

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**PEDRO TORRES,**

**Plaintiff,**

**v.**

**9:08-CV-0416**

**MR. CARON, Sergeant, Upstate Correctional Facility,  
and MR. GARRISON, Correctional Officer, Upstate  
Correctional Facility,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

PEDRO TORRES, 93-A-7585  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953  
Plaintiff, *pro se*

HON. ANDREW M. CUOMO  
Attorney General for the State of New York  
The Capitol  
Albany, NY 12224  
Counsel for Defendants

CHARLES J. QUACKENBUSH, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 8<sup>th</sup> day of December 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.


After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 18) is granted and the complaint is dismissed without prejudice to re-filing.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: December 30, 2009  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge